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9	Attorneys for Plaintiff	
10	SUNNYSIDE DEVELOPMENT COMPANY	LLC
11	UNITED STATES DISTRICT COURT	
12	NORTHERN DISTRICT OF CALIFORNIA	
13		
14	SAN FRANC	CISCO DIVISION
15	SUNNYSIDE DEVELOPMENT	No. C-08-1780-MHP
16	COMPANY LLC,	PLAINTIFF'S ADMINISTRATIVE MOTION
17	Plaintiff,	PURSUANT TO LOCAL RULE 79-5(d) FOR
18	,	FILING DOCUMENTS DESIGNATED BY
	vs.	ANOTHER PARTY AS CONFIDENTIAL
19	CAMBRIDGE DISPLAY TECHNOLOGY	Date: September 8, 2008
20	LIMITED, CDT OXFORD LIMITED,	Time: 2:00 p.m.
21	OPSYS LIMITED, and JOHN DOES I	Courtroom 15, 18th Floor
22	through V,	Hon. Marilyn Hall Patel
23	Defendants.	Filed herewith:
		<ol> <li>Affirmation of Christoph C. Heisenberg [Confidential Materials]</li> </ol>
24		2. Plaintiff's Unredacted Memorandum of Law In
25		Opposition To CDT Limited's Motion To Dismiss
26		3. Plaintiff's Redacted Memorandum of Law in
27		Opposition To CDT Limited's Motion To Dismiss
28		

PLEASE TAKE NOTICE THAT, pursuant to Local Rule 79-5(d), Plaintiff Sunnyside Development Company LLC ("Sunnyside") submits this motion to determine whether a sealing order is appropriate. As is set forth herein, the subject documents have been designated as confidential material by non-party Ernst & Young LLP, and Local Rule 79-5(d) requires Sunnyside to file this motion to determine whether or not these materials should be sealed from the public record.

The subject materials (copies of which have been lodged with the Clerk of the Court) are annexed as Exhibits 1 through 3 to the Affidavit of Christoph Heisenberg. In addition, Sunnyside hereby submits both an unredacted and a redacted version of its memorandum in opposition to the motion of defendants Cambridge Display Technology Limited ("CDT Limited") and CDT Oxford Limited to dismiss the Complaint.

## Local Rule 79-5(d) provides:

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Filing a Document Designated Confidential by Another Party. If a party wishes to file a document that has been designated confidential by another party pursuant to a protective order, or if a party wishes to refer in a memorandum or other filing to information so designated by another party, the submitting party must file and serve an Administrative Motion for a sealing order and lodge the document, memorandum or other filing in accordance with this rule. If only a portion of the document, memorandum or other filing is sealable, the submitting party must also lodge with the Court a redacted version of the document, memorandum or other filing to be placed in the public record if the Court approves the requested sealing order. Within five days thereafter, the designating party must file with the Court and serve a declaration establishing that the designated information is sealable, and must lodge and serve a narrowly tailored proposed sealing order, or must withdraw the designation of confidentiality. If the designating party does not file its responsive declaration as required by this subsection, the document or proposed filing will be made part of the public record.

Local Rule Civil Procedure 79-5(d). Ernst & Young LLP produced these documents subject to an Agreement for Protective Treatment of Confidential Information Relating To: Opsys Limited (the "Agreement"), a copy of which is attached as Exhibit 13 to the accompanying Heisenberg

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1	Affirmation. That Agreement permits Ernst & Young LLP to designate materials as	
2	"Confidential Material", and places certain restrictions on the use of those Confidential	
3	Materials. (Agreement ¶2). The Agreement permits the use of the materials in judgment	
4	enforcement proceedings, and states:	
5	The Agreement shall not prevent any Confidential Material from	
6	being used by the Courts or counsel of record at any hearing in the Proceedings, or from being offered and received into evidence at	
7	trial, subject to such confidentiality measures as the Courts may then prescribe.	
8		
9	(Agreement ¶8). These proceedings fall within the definition of "proceedings" used in the	
10	Agreement.	
11	All three documents have been designated as "confidential" by Ernst & Young LLP.	
12	Notice of this request is being provided electronically to counsel for Ernst & Young LLP	
13	so that it may intervene, if necessary, and advance whatever arguments it may advance as to the	
14	proper treatment of these materials.	
15	Dated: August 18, 2008	
16	STIGLICH & HINCKLEY, LLP	
17		
18	By: <u>s/Michael Hinckley</u> Michael L. Hinckley	
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